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*Carriers of Passengers—Physical Examination—Damages—Presumption of Negligence.*—Several interesting questions were considered in the case of *Alabama G. S. R. Co. v. Hill*, 9 South. Rep. 722 (Ala.). The plaintiff was injured on the defendant's railroad on account of the derailment of the car in which she rode. *Held*, that where a physical examination of the plaintiff's person is allowed, the selection of experts to make the examination is "entirely within the discretion of the trial judge. Neither party has any right, by suggestion, motion, or otherwise, to control his discretion in any degree. \* \* \* And when a competent and impartial commission is named, it is a matter of no consequence whatever that the parties, or either of them, preferred and demanded the appointment of other persons." It is permissible to show in evidence that, prior to the accident, the plaintiff's health was good, that her physical organs discharged their functions naturally, etc., and that, since the accident, she could not sleep without taking medicine, could not walk any great distance, and that her injuries would render child-bearing perilous to life. As to the possibility of her never marrying or having children, the court says, "these considerations can exert no influence on the question. It is to be assumed that every physical endowment, function, and capacity is of importance in the life of every man and woman, and that occasion will arise for the exercise of each and all of them; and to that extent to which any function is destroyed, or its discharge rendered painful or perilous by the wrongful infliction of personal injury, is the party complaining entitled to damages." The law requires "strict diligence" on the part of common carriers of passengers; and where the plaintiff has shown injury from an accident, the presumption that the carrier was negligent arises. Punitive damages may be given if "the condition of the rails and cross-ties, and the fact of old rails being used constantly to repair that old track, was sufficient to authorize an inference on the part of the jury that the defendants knew of this condition of things, and to impute to them such recklessness or wantonness as is the equivalent of conscious wrong-doing, in continuing to run trains over a track in such dangerous condition."

*Contractor's Bonds—Rights of Sureties.*—*Kiessig v. Allspaugh et al.*, 27 Pacific Reporter 655. One of the defendants in this case, Lundeen, was surety for his co-defendants, Allspaugh and Hall, upon a bond executed to plaintiff to indemnify and save him harmless against any claims or liens for material or labor used or employed in the construction of a building, which the principals in